

## DECENTWORKCHECK.ORG

Check

Decent Work Check Senegal is a product of WageIndicator.org and  
www.votresalaire.org/Senegal



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>





\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 08/13 Sick Leave & Employment Injury Benefits

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 09/13 Social Security

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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

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- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>




## 11/13 Minors & Youth

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41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>





## 12/13 Forced Labour

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43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

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46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Senegal scored 40 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

**Regulations on work and wages:**

The Labour Code, 1997

Decree on the interprofessional and agricultural minimum wages, n. 96-154, 1996

Decree on the modalities of remuneration of overtime, n. 70-184, 1970

Decree n. 2006-1262, 2006

**Minimum Wage**

The national guaranteed minimum wage for agricultural (SMIG) and non-agricultural workers (SMAG) is determined by Ministry of Labour. A decree is issued by the Ministry after consulting the National Labour and Social Security Council. Minimum wages higher than SMIG and SMAG are determined by joint committees covered by collective agreement. These rates may be extended further and become applicable to all the workers in concerned sector. These rates tend to establish the actual minimum rates applicable in practice. In the absence of collective bargaining agreements, orders of the Minister for Labour set minimum wage rates for different occupational categories.

Poverty line must be considered while determining minimum wage. Other factors that are taken into consideration to set minimum wage include needs of workers and their families and general economic conditions.

Minimum wage rates are determined separately for both agricultural and non-agricultural sectors. Through collective bargaining, wage rates are determined for other sectors as well. The minimum wage was last updated in 1996 through Decree No. 96-154 and it has not been revised thereafter.

Source: §80-86 & 109 of the Labour Code 1997; Decree No. 96-154 1996

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## Regular Pay

The Labour Code regulates the payment of wages to all classes of workers. It requires an employer to make timely payment of remuneration to the employees. If a worker is hired for a day on a short assignment, he is to be paid wages at the end of that day. Similarly, if he is hired for a week, he should be paid wages at the end of that week. The wages should be paid, however, in legal tender. Wages must be paid during working hours. For a worker hired on hourly or daily basis, wages must be paid on a fortnightly basis. Similarly, if a worker is hired on monthly basis, he has to be paid at the end of every month. Monthly wages must be paid within 8 days after the end of the work. Weekly or fortnightly wages must be paid within 2 days or 4 days respectively at the end of work giving entitlement to wages.

Salaries are paid in legal tender at workplace. Payment slip is also provided. Generally, employer is not allowed to deduct wages except in cases provided by the law. Collective agreements authorizing any wage deductions other than those provided by the law are invalid. Payment of salary in a form of alcohol or alcoholic beverages is strictly prohibited.

Source: §114-115 & 129-131 of the Labour Code 1997

**02/13 Compensation****Regulations on compensation:**

The Labour Code, 1997

Decree on the inter-professional and agricultural minimum wages, n. 96-154, 1996

Decree on the modalities of remuneration of overtime, n. 70-184, 1970

Decree n. 2006-1262, 2006

**Overtime Compensation**

In accordance with the Decree on the modalities of remuneration of overtime, normal working hours are 40 hours a week. Workers may be required to work overtime if a work cannot be carried out in normal working hours. Overtime is also required in cases where urgent work has to be carried out immediately to prevent the loss of products or to deal with an imminent accident. If work is interrupted due to accident, force majeure, adverse weather or regular decrease of work, working hours can be prolonged to make up for this time and need not be remunerated as overtime.

If a worker works beyond the stipulated working hours, i.e., 40 hours a week, he/she is entitled to an overtime pay according to the following schedule.

- 110% of normal hourly rate for the first eight overtime hours;
- 135% of normal hourly rate beyond 48th hour in a week

According to the Decree n. 2006-1262, overtime work can be carried up to 100 hours per year, which can be exceptionally increased to 10 hours per week with the authorization of the Labour Inspector and for not more than 6 months.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970, Decree n. 2006-1262 2006

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## Night Work Compensation

Night work is the work performed between 22:00 and 05:00 of the following day. Night work is paid at the premium rate of 150% of normal hourly wage during weekdays and 200% of normal wage rate for night work on weekends and public holidays.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970

## Compensatory Holidays / Rest Days

In extraordinary circumstances, workers may perform work on weekly rest days and public holidays. Worker may enjoy compensatory rest of 100% of the hours of overtime work in lieu of overtime remuneration.

Source: Decree No. 2006-1262 2006

## Weekend / Public Holiday Work Compensation

Workers may be required to work on weekly rest days and public holidays. In such circumstances when employees have to work on official holidays or weekly rest days, workers are entitled to receive wages at the premium rate of 150% during daytime and 200% during night time.

Source: §4 of Decree on the modalities of remuneration of overtime No. 70-184 1970



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## 03/13 Annual Leave & Holidays

### Regulations on annual leave and holidays:

The Labour Code, 1997

Convention Collective Nationale Interprofessionnelle, 1982

Decree n. 2006-1262, 2006

Decree on the modalities of remuneration of overtime, n. 70-184, 1970

### Paid Vacation / Annual Leave

In accordance with labour code, annual leave is provided to all workers on completion of one year of service. An employee is entitled to 24 working days of annual leave on completion of at least twelve months of service. The duration of paid annual leave increases with the length of service, as determined under other regulations and collective agreements.

Annual leave is increased by one day for each child a woman worker has under the age of 14 years. Workers are paid at the rate of 1/12th of annual pay for the duration of leave, i.e., they receive one month pay, exclusive of other benefits for the annual leave of 24 working days. The payment is made before the commencement of annual leave.

Annual leave can be accrued over a maximum of three years however in every year, six working days leave must be availed. It is illegal to provide compensation in lieu of annual leave except in the case of termination of employment contract.

Source: §148-155 of Labour Code 1997

### Pay on Public Holidays

Every year, 08 public holidays, in addition to National Holiday (4<sup>th</sup> April), the Tamxarit, the day of the Grand Magal de Touba and First May, are paid holidays unless they fall on a Sunday. The choice of six of them is made in each company by agreements between the employer and the employees' representatives. The seventh and eighth days are left to the choice of the employer.

Festival holidays are announced by Senegalese Government at the start of calendar year (usually 15 in number). It includes New Year's Day (January 01), Maouloud, Senegalese Independence Day (April 04), Easter Monday/Pâques (April 21), International Labour Day (May 01), Ascension (May 29), Whit Monday/Pentecost (June 09), Korité/Ramadan, Assumption Day, Tabaski (Feast of Sacrifice), All Saints' Day (November 01), Tamkharit (Ashura), Magel de Touba (December 10) and Christmas Day (December 25). The dates of Muslim festivals are determined based on the sighting of moon and thus depend on the lunar calendar.

Source: §52 of the Inter-professional Collective Agreement; Loi n° 2013-06 du 11 décembre 2013 complétant et modifiant certaines dispositions de la loi n° 74-52 du 4 novembre 1974 relative à la fête nationale et aux fêtes légales, modifiée

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## Weekly Rest Days

Workers are entitled to 24 consecutive hours of rest per week. Labour Law requires that weekly rest day, in principle, should be Sunday for all employees. Workers are entitled to compensatory rest day if they have to work on weekend however they have to relinquish their right to overtime payment if they want to avail compensatory holiday.

In case, providing the same day- off for all staff is detrimental to the public or jeopardizes the normal operation of the enterprise, weekly rest may be provided on a day other than Sunday or by providing it on rotation basis for all staff. A decree determines the conditions under which the exception can be provided and it also specifies the establishments that are exceptional.

Source: § 147 of Labour Code 1997, Decree n. 2006-1262 2006

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## 04/13 Employment Security

### Regulations on employment security:

The Labour Code, 1997

Convention Collective National Inter Professionnelle, 1982

### Written Employment Particulars

Employment contracts may be for a fixed term or for an indefinite period. The contract of employment should be in writing. In the absence of writing, the contract is assumed to be for indefinite period. The employment contract is free from all stamps and registrations.

Source: §30-32 & 44 of Labour Code 1997

### Fixed Term Contracts

Senegalese Labour law prohibits hiring fixed term contract workers for tasks of permanent nature. The fixed term contract is a contract whose duration is specified in advance according to the will of both parties. An employment contract concluded for the execution of a particular project or the completion of a task, whose duration cannot be assessed accurately in advance, is also considered as a fixed-term contract. A contract whose term is conditional on a future event and some, whose date is not exactly known, is also assimilated to a fixed term contract. A fixed term contract must be concluded in writing.

Maximum period of a fixed term contract is two years with the exception of certified companies under the Investment code, which may conclude a fixed term contract for a period of five years. The fixed-term contract concluded for the implementation of a particular project is not subject to the maximum term of two years, but in this case, it may not be renewed. Fixed term contract workers cannot be hired to provide sustainable employment in the normal and ongoing business activity of an enterprise. A worker may not be hired twice on fixed term contract with the same employer.

During early 2015 (February 2015), Labour Code was amended (article 49 & 76) and now it provides for four different types of internship and apprenticeship contracts. These contracts are Incubation Training Contract, Adaptation Contract, Pre-employment training contract, and qualification training contract. The aim of the reform is to make available, to the companies, competent and qualified human resource that can contribute to their productivity and competitiveness and protect the young graduates from abuse and insecurity as well as raise their employability. The law requires all of the training contracts to be in writing. Otherwise, these are treated as contracts of indefinite duration. The maximum period of an internship/training contract including renewals is two years. The monthly allowance of a trainee cannot be less than the minimum wage of the reference job category. At the end of contract, employer is required to issue a completion certificate.

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A 2016 Decree regulates apprenticeship contracts and requires these in writing with details of the parties, effective date and duration of the contract, conditions of remuneration and other conditions as laid down in the contract, and details of occupation that is to be taught. Apprenticeship contract cannot be signed before a worker turns 21 years. The maximum duration of apprenticeship agreements is specified under collective agreements or enterprise's internal regulations however it cannot exceed four years including renewals.

Source: § 41-45, 49 & 76 of Labour Code 1997; §19-B of Code des Investissements; Law No. 2015-04 of 12 February 2015 amending the Labour Code (Loi n° 2015/04 du 12 Février 2015); Decree No. 2015-777 of 02 June 2015 setting down the rules for placement contracts (Decret n° 2015-777 du 02 juin 2015 fixant les règles applicables au contrat de stage); décret n° 2016-263 du 22 février 2016 fixant les règles applicables au contrat d'apprentissage

### Probation Period

Labour Code requires that probationary period must not be longer than 6 months. The probationary period is provided to judge the professional worth of the worker and for worker to know completely about the working conditions, health and safety, salary and social environment at the workplace.

Probationary period is fixed under the national interprofessional collective agreement as under:

- For workers paid by month, The probation period is
  - i. one month (renewable once) for workers, supervisors, technicians and similar workers and
  - ii. three months (renewable once) for engineers, managers
- For workers paid by hours, the duration of probation period is eight days (renewable once)

Source: §38 of Labour Code 1997; §11 of the Convention Collective National Inter Professionnelle, 1982

### Notice Requirement

A fixed term contract terminates at the end of its term or by cancellation by either of the parties. The cancellation by either of the parties is on account of serious misconduct or in the event of force majeure (acts of God). The cancellation of contract by agreement must be in writing.

Either party may terminate the indefinite term employment contract by serving a written notice or paying in lieu thereof. Labour code requires termination notice by the party, which initiates the contract termination. A pregnant worker and a breastfeeding worker may terminate the employment contract at any time without following the notice requirements and without having to pay any compensation in lieu of notice.

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For terminating an indefinite term contract, different notice periods are provided for different worker categories according to the National Inter-professional Collective Convention. Notice period is 3 months for executive and similar workers while for non-executive workers; the notice period is 1 month. For blue-collar and permanent staff, notice period depends on worker categories and length of service. Notice period ranges from 8 days to 1 month for different categories of workers depending upon the length of service. The notice period for hourly, daily or weekly paid blue-collar workers is:

- i. 8 days (categories 1-4)/15 days (categories 5-7) for less than one year of service;
- ii. 15 days (categories 1-4)/15 days (categories 5-7) for 1-5 years of service; and
- iii. 1 month (categories 1-4)/1 month (categories 5-7) for more than 5 years of service

Source: § 47-59 & 143-144 of Labour Code 1997; Convention Collective National Inter Professionnelle, 1982

### Severance Pay

There is no clear provision in the law regarding severance/redundancy pay. Severance pay is provided under the inter-professional collective agreement. A worker is entitled to severance pay after at least one year of continues service with an employer, provided that he/she has not committed any gross misconduct/negligence leading to termination of contract. Severance pay under the collective agreement is set as a percentage of overall monthly wages and depends on the length of service. Workers get:

- 25% of the monthly wages during the first 5 years of service (1.25 months of wages for a worker with 5 years of service)
- 30% of the monthly wages during the next 5 years i.e. up till 10 years of service (1.25 months + 1.50 months of wages for a worker with 10 years of service)
- 40% of the monthly wages per year after 10th year (1.25 months+1.50 months+ 2 months wages for 15 years of service)

Source: §30 of the Interprofessional Collective Agreement 1982

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## 05/13 Family Responsibilities

### Regulations on family responsibilities:

The Labour Code, 1997

Convention Collective National Inter Professionnelle, 1982

### Paternity Leave

In accordance with the inter-professional collective agreement, workers are entitled to fully paid paternity leave of 1 day on the birth of a child after at least 6 months of service.

Source: §18 of the Inter-professional Collective Agreement 1982

### Parental Leave

There is no provision in the law on paid or unpaid parental leave.

### Flexible Work Option for Parents / Work-Life Balance

According to Labour Code, mothers are entitled to an additional day of leave per year for each child under 14 years of age.

Source: §148 of the Labour Code

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## 06/13 Maternity & Work

### Regulations on maternity and work:

Labour Code, 2007

General Order No. 5254,1954 concerning the Work of Women and Pregnant Women

Social Security Code, 1997

### Free Medical Care

Pregnant workers must undergo periodic obstetric medical examinations before the 3rd month, around the sixth month and in the eighth month of pregnancy to get entitled to the prenatal allowances.

Medical benefits are provided under the Action Sanitaire, Sociale et Familiale. This institution is responsible for 40% to 80% of medical and pharmaceutical expenses and hospitalization. The health, social and family action includes, among other things, medical care of the mother and child. (<http://www.secusociale.sn>)

Source: §16 of the Social Security Code 1997; Action Sanitaire Sociale et Familiale

### No Harmful Work

A decree establishes the type of work that is prohibited for women and pregnant women workers. In accordance with the General Order No. 5254, a pregnant worker may not be employed on any work, which is beyond her strength. Any kind of work that is damaging for a pregnant worker's health and morals is strictly prohibited. A woman worker may not be required to carry, push or drag any load during the 3 weeks following the normal resumption of her work after confinement (as well as during her pregnancy).

Labour inspectors can also require medical examination in order to test if the work performed by the female worker is beyond her physical strength (This applies even when the worker is not pregnant).

Source: §146 of Labour Code; § 1 & 20 of the General Order No. 5254

### Maternity Leave

Female employees are entitled to 14 weeks (98 days) of maternity leave including 8 weeks of post natal maternity leave. Employment contract of a female worker is suspended during pregnancy. In case of illness, arising out of pregnancy or confinement certified by a medical practitioner, maternity leave can be extended by three more weeks.

Source: §143 of the Labour Code 1997

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## Income

The maternity allowance is calculated at a rate of full daily wage actually received by the employee in the last pay. The maternity benefits are paid by the Government.

Source: §17, 20, 27 & 132 of Social Security Code 1973

## Protection from Dismissals

Labour law states that a women worker cannot be dismissed during the period of her pregnancy and maternity leave. Employment contract of a female worker is suspended during pregnancy, delivery and for any post-natal illness.

Source: §143 of the Labour Code 1997

## Right to Return to Same Position

There is no specific provision in the labour code regarding a worker's right to return to same position after availing her maternity leave. However, it is mentioned in article 143 of the labour code that a worker cannot be dismissed during the term of her maternity leave, which means that right to return to work is implicitly guaranteed under the law.

Source: §143 of the Labour Code 1997

## Breastfeeding

Female workers are entitled to paid nursing break of one-hour duration, for new mothers to breastfeed their child(ren) until a child is fifteen (15) months old.

Source: § 144 of the Labour Code 1997



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## 07/13 Health & Safety

### Regulations on health and safety:

Labour Code, 1997

### Employer Cares

In accordance with the provisions of the Labour Code, it is obligatory for an employer to ensure health, safety and welfare of persons at workplace according to the measures prescribed by the provisions on occupational health and safety under the labour law.

The employer must ensure that the worker's health and safety is not at risk at the workplace and machinery, equipment, substances and work processes are under control. The employer should undertake periodic analysis and assessments of the working environment conditions, and monitor the compliance with safety and hygiene standards. The employer must collect data on the safety and health of workers and the workplace.

A decree establishes the general and specific measures of protection, prevention and safety to be implemented at the workplace. Employers are required to set up an occupational safety service and a committee on occupational health and safety. The occupational safety service assists and advises the employer, and the workers or their representatives (if necessary), on the implementation of a health and safety program. A decree determines the organization, duties, operation and means of action of the occupational safety services, the modalities of participation of safety representatives and joint health and safety committees.

Source: §168(1) & 179-185 of the Labour Code 1997

### Free Protection

In accordance with the provisions of the Labour Code, it is the responsibility of employer to provide free protective equipment including clothing to the worker whose work involves exposure to wet or injurious substances. Personal protective equipments are provided if collective protection measures are not sufficient to ensure the safety and health of workers. Appropriate equipment is provided and maintained by the employer. A worker must not be allowed to enter at the workplace without his/her personal protective equipment.

Source: §172 of the Labour Code 1997

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## Training

In accordance with the Labour Code, it is the responsibility of an employer to provide adequate instruction, training and supervision as is necessary to ensure health and safety of his employees. All workers must be fully informed of existing occupational hazards in the workplace to prevent these risks and protect themselves. This information and instructions must be provided to workers in a way that allows them to acquire a good general training in occupational safety and hygiene.

Source: §177 of the Labour Code 1997

## Labour Inspection System

Labour Code provides for an independent and powerful labour inspection system in the country (art. 189-204). The Inspector of Labour and Social Security supervises the compliance with OSH provisions by the employer.

When the Inspector finds out that an employer is not complying with standards or requirements, the Inspector gives notice to the employer requiring him/her to comply. In addition, when the Inspector discovers that the working conditions are hazardous to the safety or health of workers and they are not covered by the implementing decrees pursuant to the Labour Law, the Inspector issues a notice to the employer to remedy them.

The Inspectors of Labour and Social Security provide practical measures for the use of processes, substances, machinery or equipment, which expose workers to occupational hazards at the workplace or ban them if the protection of the worker does not appear to be adequate.

The Inspector General of Labour and Social Law may, on the report of the territorial Inspectors of Labour and Social Law, and after consultation with the Federal Advisory Technical Committee on Hygiene and Security, grant a permanent or temporary exemptions to the execution of some of the requirements set in the General Decree No. 5253 I.G.T.L.S./A.O.F. of 19 July 1954 which Implements the General Measures for Occupational Hygiene and Safety when the application of these requirements is practically impossible and the health and safety of workers is ensured in conditions at least equivalent to those laid down by the provisions in question. Carelessness, negligence or failure to comply with OHS regulations, involuntarily committing injury is punishable with imprisonment of six months to five years and a fine of 20,000 to 300,000 CFA (Central African Franc).

The law foresees imprisonment sanctions, which may vary from a minimum of 15 days to 3 months for certain OSH infringements, and from 6 months to 5 years for a number of violations of OSH provisions.

Source: § 174, 189-204 of the Labour Code 1997; § 65 of the Arrêté général no. 5253 I.G.T.L.S./A.O.F. of 19 July 1954 which Implements the General Measures for Occupational Hygiene and Safety

# DECENTWORKCHECK.ORG

## 08/13 Sick Leave & Employment Injury Benefits

### Regulations on sick leave & employment injury benefits:

The Labour Code, 1997

Convention Collective Nationale Inter Professionnelle, 1982

Social Security Code, 1997

### Income

Inter-professional collective agreement provides for income for a sick worker when he/she is absent from work due to sickness in the first 6 months of his illness. The important qualifying condition here is employment duration/period served with a particular employer.

- for less than 12 months of service: 1 month full pay, 3 months half pay;
- for more than 12 months but less than 5 years of service: 1 month full pay, 4 months half pay;
- for more than 5 years of service: 2 months full pay, 5 months half pay.

Source: §19-20 of the Inter-professional Collective Agreement

### Medical Care

Employers are required to enroll their employees to a social security institution (I.P.M.) to ensure their health coverage. Medical benefits are provided under the Action Sanitaire, Sociale et Familiale. This institution is responsible for 40% to 80% of medical and pharmaceutical expenses and hospitalization. These include medical care, consultations, vaccinations, food monitoring, family planning, provision of cheap generic drugs, medical tests. Other members of the employee's family are also protected. ([www.secusociale.sn](http://www.secusociale.sn))

### Job Security

In accordance with the inter-professional collective agreement, employment of a worker is secure during the first 6 months of illness. A replacement worker may be hired only after passing that period. If a replacement worker is hired during the period, he/she is informed of the provisional nature of the job. Period of employment security is extendable to 8 and 10 month depending upon the length of service.

Source: §19 of the Inter-professional Collective Agreement

# DECENTWORKCHECK.ORG

## Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

In the case of permanent total incapacity/disability, compensation of 100% of an insured worker's average earnings is paid for 12 months before disability.

In the case of permanent partial disability, amount of compensation depends on the assessed degree of disability. If the assessed disability is less than 10%, a lump sum pension is paid.

In the case of temporary disability, compensation is provided at the rate of 50% of workers' earnings in the last month. This benefit is paid for the first 28 days of temporary disability. If disability continues after that, 66.7% of last month's (before disability started) earnings are paid until worker's full recovery or certification of permanent disability

In the case of fatal injury, dependents (widow/widower/minor children) receive survivors' pension. A widow/widower gets 30% of the monthly pension a deceased worker received or was entitled to receive. Pension for widow/widower ceases on remarriage. An orphan receives 15% of the pension. He/she ceases to receive pension on reaching the age of 15 years. There is also option for dependent parents and grandparents' pension.

Source: §71-88 of the Social Security Code

# DECENTWORKCHECK.ORG

## 09/13 Social Security

### Regulations on social security:

The Labour Code, 1997

Social Security Code, 1997

### Pension Rights

The Pension Insurance Institution of Senegal (IPRES) provides for old age benefit to a worker when he/she attains the age of 60 years (for arduous work, this age is 55 years). An early retirement benefit can also be claimed at the age of 53 years, but the rate of the allowance is reduced by 5% for each year of earlier pension. A worker contributes 5.6% of his gross monthly earnings to IPRES while an employer contributes 8.4% of covered monthly earnings. ([www.ipres.sn](http://www.ipres.sn))

### Dependents' / Survivors' Benefit

Law provides for survivor benefit to the dependents including widow, widower, children. The benefit is provided if the insured worker was a pensioner or had met the qualifying conditions for a pension at the time of death. Widow(er) is entitled to 50% of the deceased's old-age pension; orphans (aged less than 21) receive 20% of the deceased's pension. Lower rates apply if the ages of widow (er) are less than legally set qualifying age. ([www.ipres.sn](http://www.ipres.sn))

### Unemployment Benefits

No provision in law for unemployment insurance and benefits.

### Invalidity Benefits

No statutory benefit is provided.

# DECENTWORKCHECK.ORG

## 10/13 Fair Treatment

### Regulations on fair treatment:

Labour Code, 1997  
Constitution of Senegal, 2001  
General Order No. 5254,1954

### Equal Pay

Labour Code also prohibits discrimination in employment and wages on the basis of sex, origin and age. Wage is equal for all the workers for work of equal value. The Constitution of Senegal also prohibits discrimination between men and women in employment and wages.

Source: §25 of the Constitution of Senegal 2001; §105 of the Labour Code 1997,

### Sexual Harassment

Sexual harassment in general is a liable offence however; there is no clear provision in the labour code prohibiting harassment. Under article 319-bis of the Penal Code, sexual harassment by a person abusing his authority is punished by imprisonment for six months to three years and a fine of 50,000 to 500,000 CFA francs. If the victim is under 16 years, maximum imprisonment shall be pronounced.

Source: §319-bis of the Penal Code

### Non-Discrimination

In accordance with the Constitution of Senegal, all citizens are equal before law without any discrimination on the basis of origin, race, sex and religion. There cannot be any discrimination in employment on the basis of origins, sex, opinion, political choices or beliefs.

Labour code also prohibits discrimination on the grounds of sex, age, status and origin.

Source: §25 of the Constitution of Senegal 2001; §105 of the Labour Code 1997

### Equal Choice of Profession

Women cannot work in the same industries as men. Restrictions are in place to protect women.

Source: §142 of Labour Code; General Order No. 5254, 1954 concerning the Work of Women and Pregnant Women

## DECENTWORKCHECK.ORG

**11/13 Minors & Youth****Regulations on minors and youth:**

Labour Code, 1997

Ministerial Decree 3751, 2003

**Minimum Age for Employment**

Minimum age for employment is 15 years. Minors (under 18 years) cannot be employed even as apprentice, unless otherwise provided by a decree of Labour Minister taking into account the local circumstances.

Minors aged 12 to 15 years may be hired to do light work provided that the work is not hazardous to their health or mental and physical development and that it will not affect their education. A Labour Inspector may request that employed minors may be examined by a doctor. If the doctor opines that the job is too hard for the minor, the employer must change the job or terminate the minor's employment.

Source: § 145 & 146 of Labour Code 1997

**Minimum Age for Hazardous Work**

Minimum Age for hazardous work is 18 years. The Ministerial Decrees No. 3748, 3749, 3750 & 3751 prohibit children from working in hazardous conditions. The worst forms of child labour including forced labour, slavery, prostitution, working with dangerous materials and work that endangers the health and safety and morals of children are prohibited. More hazardous work related provisions are found in Decrees No. 3750 & 3751.

Young workers are not allowed to work more than eight hours a day. Night work is also prohibited.

Source: §1 of Ministerial Decree 3751 of 2003; Ministerial Decrees No. 3748, 3749 & 3750

**Regulations on forced labour:**

Labour Code, 1997

**Prohibition on Forced and Compulsory Labor**

Labour law prohibits forced or compulsory labour. It is a punishable offence. The law defines forced or compulsory labor as any kind of work or service exacted from any person under the menace of any penalty or sanction and for which the said person has not offered himself voluntarily. Violation of these provisions is punishable by a fine of 0.5 million to 01 million and imprisonment for a term ranging from 03 months to one year or either of these penalties.

Source: §04 & 279 of Labour Code 1997; Ministerial Decrees No. 3749

**Freedom to Change Jobs and Right to Quit**

Workers have the right to change jobs after serving due notice on their employer. For more information on this, please refer to the section on employment security.

Source: §47-59 of Labour Code 1997

**Inhumane Working Conditions**

Working time may be extended beyond normal working hours of forty hours per week. Workers may be required to work overtime if a work cannot be carried out in normal working hours. Overtime is also required in cases where urgent work has to be carried out immediately to prevent the loss of products or to deal with an imminent accident.

For more information on this, please refer to the section on compensation.

Source: Decree on the modalities of remuneration of overtime No. 70-184 1970; Decree n. 2006-1262 2006



## DECENTWORKCHECK.ORG

## 13/13 Trade Unions

**Regulations on trade unions:**

Labour Code, 1997

Constitution of Senegal, 2001

**Freedom to Join and Form a Union**

Constitution and Labour law provide for freedom of association. The constitution of Senegal allows workers to affiliate with a union and defend their rights through union action.

Labour code requires the Ministry of Interior to give prior authorization before a trade union can exist legally. Trade unions are professional organisations that are exclusively designed to study and advocate the economic, industrial, commercial and agricultural interests, both collectively and individually, of the persons covered by the organization's statutes. Workers of same profession or same establishments may form a union and everyone has a right to freely join these organizations.

The unions must be registered with the Regional Inspectorate. The union representatives must file their articles or statutes and list of names, date and place of birth and designation of those responsible for management and administration. Three copies of each document are deposited to the regional inspectorate. Ministry of the Interior registers the union in view of the reports by Labour Inspector and Social Security and the Prosecutor. Registration process is followed again in case of any change in statutes and administration.

Professional unions have the right to sue, acquire without authorization, for free or for consideration, of immovable and movable property. They can, before all criminal courts exercise all the rights reserved to civil parties, in relation to acts causing direct or indirect harm to the collective interest of the profession they represent.

An employer is not allowed to interfere in a trade union's affairs.

Source: §25 of the Constitution of Senegal 2001; §6-8 & 16-21 of the Labour Code 1997

# DECENTWORKCHECK.ORG

## Freedom of Collective Bargaining

In accordance with the Constitution, every worker may participate, by the intermediary of his delegates, in the determination of the conditions of work in the enterprise. Labour Code allows employees to bargain collectively through their representatives. Collective agreement is an agreement on working conditions between workers (through unions) and employers or employer organizations. . A CBA usually provides better benefits to the worker than those provided in the law. If a CBA has provisions, which are less favourable than those provided under the law, it cannot be enforced.

A CBA may be concluded for definite or indefinite period. The duration of a CBA signed for definite time period may not exceed 5 years. A CBA of indefinite term may be cancelled by will of either party.

The collective agreement provides provisions regarding on the format and time of denunciation, renewal or revision of a collective agreement. The collective agreement must include in particular the period of notice that must precede denunciation. Either party can provide the notice for denunciation.

Collective agreements specify their scope of application. This can be national, regional or local level. It can be concluded for several industries or may be cited as settlement agreement, enterprise agreement, branch agreement or interprofessional agreement.

The CBA must be written in French. A decree determines the conditions under which it is deposited, published and translated. The CBA is applicable from the day following its deposit unless stated otherwise.

In accordance with a 2016 amendment in Labour Code in 2016, representative status of worker and employer organizations at sectoral and national level may be determined by an Order of the Ministry of Labour setting the modalities of elections and establish threshold of determining representativeness of trade unions in consultation with the National Advisory Council on Labor and Social Security.

To strengthen social dialogue, Senegal has created, by decree No. 2014-1299, the High Council of Social Dialogue (HCDS). This structure has replaced the National Committee of Social Dialogue, created earlier under National Charter of Social Dialogue. The High Council has representatives from all tripartite groups (10 members each from government, worker and employer groups, elected for a term of three years) and has formed many commissions including the Commission on Gender and Industrial Relations, Commission on Social Protection, and Commission on Social Mediation.

Labour Code also provides for an advisory council which is named as National Advisory Council on Labor and Social Security. The Council is tripartite in nature and has participation from worker and employer representative organizations. The council is authorized to give opinion on different matters specified in the Labour Code including employment contracts including apprenticeship contracts, contract termination notice, minimum wages, and type of work prohibited to women including pregnant women.

Source: §25 of the Constitution of Senegal 2001; §80-99, 85-bis, 205-210 of Labour Code 1997; Decree 2014-1299 of 13 October 2014 establishing and laying down the rules for the organization and functioning of the High Council for Social Dialogue (HCDS); Decree 2015-211 of 04 February 2015

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## Right to Strike

Right to strike is recognized by law and enshrined in the Constitution however long notice periods and compulsory recourse to arbitration frustrate this right. The constitution of Senegal states that the strike must be exercised within the framework of the laws, which govern it. It may not, in any case, infringe the freedom to work, or place the enterprise in peril.

Peaceful strike is allowed only after the conciliation process to resolve the dispute fails. Strike is considered legal only strike is notified at least 30 days prior to the proposed date of strike.

Strike is illegal if it is not peaceful and does not comply with the provisions of labour code. The employment contract suspends during the period of strike.

Source: §25 of the Constitution of Senegal 2001; §70 & 271-276 of Labour Code 1997

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**01/13 Work & Wages****ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

***Senegal has ratified the Convention 95 & 117.***

**Minimum wage**

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

**Regular Pay**

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

**02/13 Compensation****ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

***Senegal has not ratified both Conventions 01 & 171.***

**Overtime Compensation**

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

**Night Work Compensation**

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

**Compensatory Holidays/Rest Days**

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

**Weekend/Public Holiday work Compensation**

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

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**03/13 Annual Leave & Holidays****ILO Conventions on weekly rest days and paid annual leave**

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

***Senegal has ratified the Convention 14 only.***

**Paid Vacation/Annual Leave**

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

**Pay on Public Holidays**

You should be entitled to paid leave during national and officially recognized public holidays.

**Weekly Rest Day**

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

**04/13 Employment Security****ILO Conventions on employment termination**

Convention 158 (1982) on employment termination

***Senegal has not ratified the Convention 158.***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

**Written Employment Particulars**

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

**Fixed Term Contracts**

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

**Probation Period**

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

**Notice Requirement**

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

**Severance Pay**

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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**05/13 Family Responsibilities****ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

***Senegal has not ratified the Conventions 156.***

**Paternity Leave**

This is for the new fathers around the time of child birth and is usually of shorter duration.

**Parental Leave**

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

**Flexible Work Option for Parents / Work-Life Balance**

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

**06/13 Maternity and Work****ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

***Senegal has not ratified both Conventions 103 & 183.***

**Free medical care**

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

**No harmful work**

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

**Maternity leave**

Your maternity leave should last at least 14 weeks.

**Income**

During maternity leave, your income should amount to at least two thirds of your preceding salary.

**Protection from Dismissals**

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

**Right to return to same position**

Workers have the right to return to same or equivalent position after availing maternity leave.

**Breastfeeding/Nursing Breaks**

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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**07/13 Health & Safety****ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

***Senegal has ratified the Convention 81 only.***

**Employer cares**

Your employer, in all fairness, should make sure that the work process is safe.

**Free protection**

Your employer should provide protective clothing and other necessary safety precautions for free.

**Training**

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

**Labour Inspection System**

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

**08/13 Sick Leave & Employment Injury Benefits****ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

***Senegal has ratified the Conventions 102 & 121.***

**Income/Paid Sick Leave**

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

**Medical Care**

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

**Job security**

During the first 6 months of your illness, you should not be fired.

**Disability/Work Injury Benefit**

Whenever you are disabled due to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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**09/13 Social Security****ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

***Senegal has ratified the Conventions 102 & 121.***

**Pension Rights**

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

**Dependent's/Survivors' Benefit**

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

**Unemployment Benefit**

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

**Invalidity Benefits**

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

**10/13 Fair Treatment****ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

***Senegal has ratified both Conventions 100 & 111.***

**Equal Pay**

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

**Sexual Harassment**

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

**Non-Discrimination**

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

**Equal Choice of Profession**

People have the right to work and there can't be occupational segregation on the basis of gender.



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**11/13 Minors & Youth****ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

***Senegal has ratified both Conventions 138 & 182.***

**Minimum Age for Employment**

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

**Minimum Age for Hazardous Work**

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

**12/13 Forced Labour****ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

***Senegal has ratified both Conventions 29 & 105.***

**Prohibition on Forced and Compulsory labour**

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

**Freedom to change jobs and Right to quit**

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

**Inhumane Working Conditions**

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

**ILO Conventions on Trade Union Rights**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

***Senegal has ratified both Conventions 87 & 98.***

**Freedom to join and form a union**

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

**Freedom of Collective Bargaining**

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

**Right to Strike**

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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## About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Senegal. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

**Decent Work Checks are developed and updated by Iftikhar Ahmad, Labour Law Specialist, and Team**

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